

April 28, 1983

LB 17

SENATOR HEFNER: Yes, Mr. President, I will go ahead. Mr. President and members of the body, Senator DeCamp said I didn't explain the committee amendment very well, but I thought I did. I didn't take too much time because we debated 196 for several hours the last time. But when we had the lottery bill the other day, LB 336, this bill never was explained in detail. This bill never was explained in detail. Certainly, we added a lot of amendments and allotted time till we got into the bill, but I just want to call this to the attention of the body. Okay, now I would like to read parts of a letter from the State Department of Revenue written by Donna Karnes to the Chairman and members of the Revenue Committee, and it says, "The decision of the court has made all of these programs including the games such as Chess or Pac-man, and so forth, as not being subject to tax. The Nebraska Department of Revenue has taken the position that the court decision does not apply to Atari and Intellivision cartridges because they include additional memory that expands the capacity of the machine. However, the contents of the cartridge are definitely a list of instructions that tell the game module how to play the game which is the definition of software." I would like to call attention to the body that it was a unanimous decision of the committee last year to move this same bill to put sales tax on computer software to the Legislature. This was last year. Then this year we had another bill, practically an identical bill. There was nobody, nobody at the committee hearing opposing this bill, and so the Revenue Committee moved LB 196 out unanimously. So I would just like to say to this body I think it is only fair and just to put sales tax on tangible items such as computer software. I urge the adoption of the committee amendment.

PRESIDENT: The motion before the House is the last portion of the committee amendments and those in favor vote aye, opposed vote no. The motion before the House is the last portion of the committee amendments on LB 17. Please record your vote if you wish to vote. The Chair will hold the board open another 15 seconds. Roll call vote has been requested. Twenty seconds has expired. The Clerk will take the roll call and we will have complete...Senator Marsh.

SENATOR MARSH: I would request that each person check in again and we discover who is not in their seat, please.

PRESIDENT: At the last time, I believe, that we had our full complement here of 43 members, Senator Marsh, with six excused. You may now re-record your presence then. The 43 are here and the Clerk will proceed with the...Senator Higgins, would you please check in. That makes 44, very well.